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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE  
COMPANY, INC.,

Plaintiff/  
Counterclaim-Defendant

vs.

INTUITIVE SURGICAL, INC.,

Defendant/  
Counterclaimant.

Case No.: 3:21-cv-03496-AMO-LB

**JOINT STIPULATION AND [PROPOSED]  
ORDER REGARDING SEALING OF  
DEFENDANT'S RESPONSE TO PLAINTIFF  
SIS'S EVIDENTIARY PROFFER  
REGARDING INTUITIVE'S MOTION IN  
LIMINE #1**

Judge: The Honorable Araceli Martínez-Olguín

1 Plaintiff Surgical Instrument Service Company, Inc. (“SIS”), and Defendant Intuitive  
2 Surgical, Inc. (“Intuitive”) (collectively, the “Parties”) hereby stipulate as follows and respectfully  
3 request that the Court endorse this stipulation with an order:

4 WHEREAS, on December 11, 2024, SIS filed its Evidentiary Proffer Regarding  
5 Intuitive’s Motion in Limine #1, Dkt. 332;

6 WHEREAS, on December 18, 2024, Intuitive filed its Response to Plaintiff SIS’s  
7 Evidentiary Proffer Regarding Intuitive’s Motion in Limine # 1, Dkt. 358 (the “Response”);

8 WHEREAS, in its Response, Intuitive cited to, and submitted as exhibits to the  
9 supporting declaration of Paul D. Brachman, certain materials produced by SIS that had been marked  
10 “Confidential” or “Highly Confidential-AEO,” pursuant to the operative Protective Order, Dkt. 78 (as  
11 modified by Dkt. 107);

12 WHEREAS, pursuant to the Joint Stipulation and Order Regarding Omnibus Sealing  
13 Procedures, Dkt. 242, Intuitive’s Response and certain exhibits to the supporting declaration of Paul D.  
14 Brachman were filed under seal pursuant to an interim sealing motion, Dkt. 357;

15 WHEREAS, counsel for Intuitive has since conferred with counsel for SIS, and counsel  
16 for SIS has indicated that SIS does not seek to maintain under seal any of the materials cited or  
17 submitted in connection with Intuitive’s Response; and

18 WHEREAS, an omnibus sealing motion to seal Intuitive’s Response is, therefore,  
19 unnecessary;

20 NOW THEREFORE, the Parties jointly submit the Proposed Order attached hereto as  
21 Exhibit A, which denies as moot Defendant’s Interim Sealing Motion in Connection with Defendant’s  
22 Response, Dkt. 357, and orders Intuitive to file publicly its Response within 21 days.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.  
2

3 Dated: January 3, 2025

By: /s/ Richard T. McCaulley

Richard T. McCaulley (*pro hac vice*)

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11 *Attorneys for Plaintiff Surgical Instrument*  
12 *Service Company, Inc.*

13 Dated: January 3, 2025

By: /s/ Kenneth A. Gallo

14 Kenneth A. Gallo

15 Kenneth A. Gallo (*pro hac vice*)

16 Paul D. Brachman (*pro hac vice*)

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**E-Filing Attestation**

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

/s/ Kenneth A. Gallo